

1 L. KIERAN KIECKHEFER, SBN 251978
KKieckhefer@gibsondunn.com
2 Y. ERNEST HSIN, SBN 201668
EHsin@gibsondunn.com
3 JOSEPH A. GORMAN, SBN 267553
JGorman@gibsondunn.com
4 LAUREN DANSEY, SBN 311886
LDansey@gibsondunn.com
5 CHRISTINA E. MYROLD, SBN 324183
CMyrold@gibsondunn.com
6 GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center, Suite 2600
7 San Francisco, California 94111-3715
Telephone: 415.393.8200
8 Facsimile: 415.393.8306

9 STUART M. ROSENBERG, SBN 239926
SRosenberg@gibsondunn.com
10 GIBSON, DUNN & CRUTCHER LLP
310 University Avenue
11 Palo Alto, California 94301
Telephone: 650.849.5300
12 Facsimile: 650.849.5333

13 JAMES POOLEY, SBN 58041
James@pooley.com
14 JAMES POOLEY PLC
325 Sharon Park Drive #208
15 Menlo Park, California 94025

16 *Attorneys for Defendant APPLIED MATERIALS, Inc.*

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**
19 **SAN JOSE DIVISION**
20

21 MATTSON TECHNOLOGY, INC., a Delaware
22 Corporation,

23 Plaintiff,

24 v.

25 APPLIED MATERIALS, INC., a Delaware
26 Corporation, VLADIMIR NAGORNY, an
individual, and RENE GEORGE, an individual,

27 Defendants.
28

CASE NO. 5:23-CV-06071-SVK

**DEFENDANT APPLIED MATERIALS,
INC.'S ANSWER TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

DEMAND FOR JURY TRIAL

Hon. Susan van Keulen

INTRODUCTION AND GENERAL DENIAL

Applied Materials, Inc. (“Applied”) is a global leader in the semiconductor industry with thousands of employees and thousands of patents. This case involves two employees, Rene George and Vladimir Nagorny, who left Mattson Technology, Inc. (“Mattson”) (a wholly owned subsidiary of Beijing E-Town Semiconductor Technology Co., Ltd.) and joined Applied more than eight and six years ago, respectively. While Mattson complains that Applied poached Mr. George and Dr. Nagorny from Mattson, the reality is that Mattson itself recruited dozens of technical employees from Applied within the last several years, including Canfeng “Ken” Lai, who misappropriated critical Applied trade secrets, and as a result, the Alameda County Superior Court enjoined both Lai and Mattson. That injunction was affirmed by the California Court of Appeal in a published opinion dated November 1, 2023. *See Mattson Tech., Inc. v. Applied Materials, Inc.*, 96 Cal. App. 5th 1149 (2023). Three weeks later, Mattson filed its original complaint in this case, alleging that Applied disclosed Mattson’s purported trade secrets through documents submitted to the U.S. Patent and Trademark Office. The technology central to those allegations is not new. Rather, more than 12 years ago, Mattson purportedly directed its employees to develop a remote plasma processing equipment suitable for processing 450 mm wafers, in what is referred to as “Project Traveler.” Nor is it confidential. Mattson published, through its own patent filings, the technology resulting from Project Traveler, which it calls Green and Grey Path. That disclosure is fatal to Mattson’s claims. Applied has at all times complied with the law and has respected Mattson’s intellectual property rights. Applied requires its employees to sign agreements ensuring they will likewise respect intellectual property rights. Except as expressly admitted in this Answer, Applied denies each and every allegation in the First Amended Complaint and expressly denies that Mattson is entitled to any relief, specifically denying any allegations expressed in or inferred from the introduction, headings, subheadings, or footnotes of the First Amended Complaint, including that Applied is liable to Mattson in any way. Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, allegations to which no responsive pleading is required shall be deemed to be denied. Applied reserves the right to seek to amend and/or supplement this Answer.¹

¹ Answers to each paragraph of the First Amended Complaint are made without waiving, but expressly reserving, all rights Applied may have to seek relief by appropriate motions directed to the allegations in the First Amended Complaint or any subsequent amended complaint.

RESPONSE TO SPECIFIC ALLEGATIONS

NATURE OF LAWSUIT

1. Applied admits that the First Amended Complaint alleges claims for trade secret misappropriation against Defendants and breach of contract against the Individual Defendants. Applied denies that any claims alleged against it are sufficiently pleaded, denies that it has committed or is committing any act of trade secret misappropriation, and denies that any claims alleged against it have any merit. Claims for inducing breach of written contracts, intentional interference with prospective economic relations, negligent interference with prospective economic relations, unfair competition, and conversion were dismissed by the Court's order granting in part and denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the allegations set forth in Paragraph 1 regarding those claims are irrelevant and no answer is required. To the extent that any such allegations are not deemed irrelevant, Applied denies such allegations.

2. Applied denies the allegations and characterizations of Paragraph 2.

THE PARTIES

3. Upon information and belief, Applied admits the allegations contained in Paragraph 3.

4. Applied admits the first sentence contained in Paragraph 4. Applied admits that it currently employs Rene George. Applied denies that it currently employs Vladimir Nagorny. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 4, and therefore denies them.

5. Applied denies that Vladimir Nagorny is presently employed at Applied. Applied admits that Vladimir Nagorny was employed at Applied and, at one period during his employment with Applied, he was a "Physicist/Scientist Director" at Applied. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 5, and therefore denies them.

6. Applied admits that Rene George is presently employed at Applied. Applied denies that Rene George is currently a "General Manager" at Applied. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 6, and therefore denies them.

JURISDICTION, VENUE, AND DIVISIONAL ASSIGNMENT

7. To the extent Paragraph 7 alleges legal conclusions, no response is required. To the extent a response is required, Applied admits that this Court has subject matter jurisdiction pursuant to 18 U.S.C. § 1836(c) and 28 U.S.C. § 1331, and supplemental jurisdiction pursuant to 28 U.S.C. § 1357.

8. To the extent Paragraph 8 alleges legal conclusions, no response is required. To the extent a response is required, Applied admits that it resides in this District and that venue is proper in this District. Applied admits that copies of documents purporting to be a Mattson Proprietary Information and Innovations Assignment Agreement(s), a Termination Certification, and a Mattson Confidentiality Agreement are attached as Exhibits A, B, C, and E to the First Amended Complaint. Applied denies having committed any wrongful act complained of in the FAC. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 8 and footnote 1, and therefore denies them.

9. Applied admits the allegations in Paragraph 9.

BACKGROUND

10. Applied admits that plasma dry strip tools are sometimes referred to as plasma ashing tools. Applied admits that plasma dry strip tools may be used for the removal of materials such as certain types of masking layers from a semiconductor wafer during a semiconductor fabrication process. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 10, and therefore denies them.

11. Applied admits the first two sentences contained in Paragraph 11. Applied admits that “[a] remote plasma chamber [can] include[] a tube with an induction coil about the tube,” that “a plasma [can be] induced in the plasma chamber by energizing the induction coil with radiofrequency energy,” and that “[r]adicals and other species generated in a plasma may pass through a separation grid for exposure to a semiconductor wafer in a downstream processing chamber for removal of photoresist.” Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 11, and therefore denies them.

12. Applied denies that the alleged trade secrets in this case are in fact trade secrets. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining

1 allegations and characterizations contained in Paragraph 12, and therefore denies them.

2 13. Applied denies that “Mattson understands and welcomes open competition and the
3 innovation that can result.” Applied denies that it has committed trade secret misappropriation. The
4 remaining allegations and characterizations contained in Paragraph 13 include relative terms such as
5 “highly competitive” and “specialized,” the intended scope of which is unclear, and on that basis,
6 Applied denies the remaining allegations.

7 14. Applied admits that Mattson’s products include the SUPREMA and NOVYKA
8 families. Applied admits that Mattson advertises the NOVYKA product family as including selective
9 materials removal and surface treatment products. Applied lacks knowledge or information sufficient
10 to form a belief regarding the truth of the remaining allegations and characterizations contained in
11 Paragraph 14, and therefore denies them.

12 15. Applied denies that the alleged trade secrets in this case are in fact trade secrets. Applied
13 lacks knowledge or information sufficient to form a belief regarding the truth of the allegations and
14 characterizations contained in Paragraph 15, and therefore denies them.

15 16. Applied denies that the alleged trade secrets in this case are in fact trade secrets. Applied
16 lacks knowledge or information sufficient to form a belief regarding the truth of the allegations and
17 characterizations contained in Paragraph 16, and therefore denies them.

18 17. Applied lacks knowledge or information sufficient to form a belief regarding the truth
19 of the allegations and characterizations contained in Paragraph 17, and therefore denies them.

20 18. To the extent that Paragraph 18 alleges legal conclusions, no response is required. To
21 the extent that a response is required, Applied denies the allegations and characterizations contained in
22 Paragraph 18, and specifically denies that the “Green Path” and “Grey Path” approaches constituted
23 trade secrets.

24 19. To the extent that Paragraph 19 alleges legal conclusions, no response is required. To
25 the extent that a response is required, Applied denies the allegations and characterizations contained in
26 Paragraph 19.

27 20. To the extent that Paragraph 20 alleges legal conclusions, no response is required. To
28 the extent that a response is required, Applied denies the final sentence of Paragraph 20 and also denies

1 that the alleged trade secrets are in fact trade secrets. Applied lacks knowledge or information sufficient
2 to form a belief regarding the truth of the remaining allegations and characterizations contained in
3 Paragraph 20, and therefore denies them.

4 21. To the extent that Paragraph 21 alleges legal conclusions, no response is required. To
5 the extent that a response is required, Applied denies the final sentence of Paragraph 21 and also denies
6 that the alleged trade secrets are in fact trade secrets. Applied lacks knowledge or information sufficient
7 to form a belief regarding the truth of the remaining allegations and characterizations contained in
8 Paragraph 21, and therefore denies them.

9 22. Applied admits that Mattson has filed and obtained certain patents in the United States,
10 including patent filings that disclosed the alleged “Green Path” and “Grey Path” information before
11 any alleged misappropriation. Applied lacks knowledge or information sufficient to form a belief
12 regarding the truth of the allegations and characterizations contained in Paragraph 22, and therefore
13 denies them.

14 23. Applied lacks knowledge or information sufficient to form a belief regarding the truth
15 of the allegations and characterizations contained in Paragraph 23, and therefore denies them.

16 24. Applied admits that Mattson has filed certain patent applications in the United States,
17 including patent filings that disclosed the alleged “Green Path” and “Grey Path” information before
18 any alleged misappropriation. Applied lacks knowledge or information sufficient to form a belief
19 regarding the truth of the remaining allegations and characterizations contained in Paragraph 24, and
20 therefore denies them.

21 25. Applied admits that the patent applications identified in Paragraph 25 were filed on the
22 alleged dates. Applied denies the last sentence of Paragraph 25. Applied lacks knowledge or
23 information sufficient to form a belief regarding the truth of the remaining allegations and
24 characterizations contained in Paragraph 25, and therefore denies them.

25 26. Applied admits that the document identified in Paragraph 26 is titled “High Efficiency
26 Plasma Source.” Applied denies the remaining allegations in Paragraph 26.

27 27. Applied admits that the document identified in Paragraph 27 is titled “Plasma
28 Processing Apparatus.” Applied denies the remaining allegations in Paragraph 27.

1 28. Applied admits that the document identified in Paragraph 28 is titled “Plasma Strip Tool
2 with Moveable Insert.” Applied denies the remaining allegations in Paragraph 28.

3 29. Applied admits that the document identified in Paragraph 29 is titled “Inductively
4 Coupled Plasma Source for Plasma Processing.” Applied denies the remaining allegations in Paragraph
5 29.

6 30. Applied admits that the document identified in Paragraph 30 is titled “Inductive Plasma
7 Source.” Applied denies the remaining allegations in Paragraph 30.

8 31. Applied denies the allegations and characterizations contained in Paragraph 31.

9 32. Applied lacks knowledge or information sufficient to form a belief regarding the truth
10 of the allegations and characterizations contained in Paragraph 32, and therefore denies them.

11 33. Applied lacks knowledge or information sufficient to form a belief regarding the truth
12 of the allegations and characterizations contained in Paragraph 33, and therefore denies them.

13 34. Applied lacks knowledge or information sufficient to form a belief regarding the truth
14 of the allegations and characterizations contained in Paragraph 34, and therefore denies them.

15 35. Applied lacks knowledge or information sufficient to form a belief regarding the truth
16 of the allegations and characterizations contained in Paragraph 35, and therefore denies them.

17 36. Applied lacks knowledge or information sufficient to form a belief regarding the truth
18 of the allegations and characterizations contained in Paragraph 36, and therefore denies them.

19 37. Applied lacks knowledge or information sufficient to form a belief regarding the truth
20 of the allegations and characterizations contained in Paragraph 37, and therefore denies them.

21 38. Applied lacks knowledge or information sufficient to form a belief regarding the truth
22 of the allegations and characterizations contained in Paragraph 38, and therefore denies them.

23 39. Applied lacks knowledge or information sufficient to form a belief regarding the truth
24 of the allegations and characterizations contained in Paragraph 39, and therefore denies them.

25 40. Applied lacks knowledge or information sufficient to form a belief regarding the truth
26 of the allegations and characterizations contained in Paragraph 40, and therefore denies them.

27 41. Applied admits that copies of documents purporting to be Proprietary Information and
28 Innovations Assignment Agreements are attached as Exhibits A and B. Applied admits that the

1 Exhibits state, “at all times, both during the term of my employment with [Mattson] and after my
2 separation from [Mattson] for any reason, I shall hold in strictest confidence and trust and shall not,
3 directly or indirectly, use or disclose without the prior written authorization of [Mattson], except as
4 may be necessary in the ordinary course of performing my employment duties as an employee of
5 [Mattson], any Mattson Proprietary Information that I may have or acquire during the period of my
6 employment with [Mattson].” Applied lacks knowledge or information sufficient to form a belief
7 regarding the truth of the remaining allegations and characterizations contained in Paragraph 41, and
8 therefore denies them.

9 42. Applied admits that copies of documents purporting to be Proprietary Information and
10 Innovations Assignment Agreements are attached as Exhibits A and B. Applied admits that the
11 Exhibits state, “[a]ll Mattson Proprietary Information is and shall be Mattson’s sole property or, where
12 applicable, Mattson’s assignees. Accordingly, Mattson (or its assignees) shall solely own all patents,
13 copyrights, mask works, trade secrets and other related rights. I hereby assign to the Company any
14 rights and interest I may have or acquire in Mattson Proprietary Information.” Applied admits that the
15 Exhibits state “that the Company shall acquire ownership, title, and all rights and interest in and to all
16 Mattson Innovations upon creation, that all Mattson Innovations are work made for hire belonging to
17 the Company under applicable law.” Applied lacks knowledge or information sufficient to form a
18 belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 42,
19 and therefore denies them.

20 43. Applied admits that a copy of a document purporting to be a Termination Certification
21 is attached as Exhibit D. Applied admits that a copy of a document purporting to be an Exit Checklist
22 is attached as Exhibit F. Applied lacks knowledge or information sufficient to form a belief regarding
23 the truth of the remaining allegations and characterizations contained in Paragraph 43, and therefore
24 denies them.

25 44. Applied lacks knowledge or information sufficient to form a belief regarding the truth
26 of the allegations and characterizations contained in Paragraph 44, and therefore denies them.

27 45. Applied lacks knowledge or information sufficient to form a belief regarding the truth
28 of the allegations and characterizations contained in Paragraph 45, and therefore denies them.

1 46. Applied admits that a copy of a document purporting to be a Confidentiality Agreement
2 is attached as Exhibit C. Applied admits that the document states, “at any time during or following the
3 term of Employee’s employment by Employer, directly or indirectly, disclose, divulge, reveal, report,
4 publish, transfer or use, for any purpose whatsoever, any of such information,” and further states,
5 “confidential information of a special and unique nature and value relating to such matters and
6 Employer’s trade secrets.” Applied lacks knowledge or information sufficient to form a belief
7 regarding the truth of the remaining allegations and characterizations contained in Paragraph 46, and
8 therefore denies them.

9 47. Applied admits that a copy of a document purporting to be a Confidentiality Agreement
10 is attached as Exhibit C. Applied admits that the document states, “all right, title and interest in any
11 Protected Information shall be and shall remain the exclusive property of Employer. Without limiting
12 the generality of the foregoing, Employee hereby assigns and transfers to Employer Employee’s entire
13 right, title and interest in and to all inventions including, but not limited to, ideas, improvements,
14 designs and discoveries, whether or not patentable and whether or not reduced to practice, made or
15 conceived by Employee (whether made solely by Employee or jointly with others).” Applied admits
16 that the document states, “that all such inventions are the sole property of Employer ... Employee
17 agrees immediately to disclose to Employer all Protected Information developed in whole or in part by
18 Employee during the term of Employee’s employment with Employer and to assign to Employer any
19 right, title or interest Employee may have in such Protected Information. Employee agrees to execute
20 any instruments and to do all other things reasonable requested by Employer (both during and after
21 Employee’s employment with Employer) in order to vest more fully in Employer all ownership rights
22 in those items hereby transferred by Employee to Employer.” Applied lacks knowledge or information
23 sufficient to form a belief regarding the truth of the remaining allegations and characterizations
24 contained in Paragraph 47, and therefore denies them.

25 48. Applied lacks knowledge or information sufficient to form a belief regarding the truth
26 of the allegations and characterizations contained in Paragraph 48, and therefore denies them.

27 49. Applied admits that a copy of a document purporting to be a Termination Certification
28 is attached as Exhibit E. Applied lacks knowledge or information sufficient to form a belief regarding

1 the truth of the remaining allegations and characterizations contained in Paragraph 49, and therefore
2 denies them.

3 50. Applied admits that Mr. Rene George joined Applied in January 2015. Applied admits
4 that Dr. Vladimir Nagorny joined Applied in 2017. Applied admits that Mr. Rene George supervised
5 Dr. Vladimir Nagorny. Except as expressly admitted, Applied denies the remaining allegations and
6 characterizations contained in Paragraph 50.

7 51. Applied admits that Mr. Rene George joined Applied in January 2015. Applied admits
8 that Dr. Vladimir Nagorny joined Applied in 2017. Applied denies the remaining allegations and
9 characterizations contained in Paragraph 51.

10 52. Applied denies the allegations and characterizations in Paragraph 52.

11 53. Applied admits that it filed U.S. Pat. App. Serial Nos. 17/149,254, 17/149,232, and
12 18/199,780. Applied admits that U.S. Pat. App. Serial Nos. 17/149,254 and 17/149,232 were filed on
13 January 14, 2021. Applied admits that it filed the applications under Applied Materials, Inc. as the
14 Applicant. Applied admits that the patent applications each include Dr. Vladimir Nagorny and Mr.
15 Rene George as inventors. Applied admits that the '254 Application was published publicly on July
16 14, 2022, as U.S. Pat. Pub. No. 2022/0223374, and issued as U.S. Pat. No. 11,658,006 on May 23,
17 2023. Applied admits that the '232 Application was published on July 14, 2022, as U.S. Pat. Pub. No.
18 2022/0223381, and issued as U.S. Pat. No. 11,854,770 on December 26, 2023. Applied admits that the
19 '780 Application was published as U.S. Pat. Pub. No. 2023/0369017. Applied denies the remaining
20 allegations and characterizations contained in Paragraph 53 and Footnote 3.

21 54. Applied lacks knowledge or information sufficient to form a belief regarding the truth
22 of the allegations and characterizations contained in Paragraph 54, and therefore denies them.

23 55. Applied lacks knowledge or information sufficient to form a belief regarding the truth
24 of the allegations and characterizations contained in first sentence of Paragraph 55, and therefore denies
25 them. Applied denies the second sentence of Paragraph 55.

26 56. Applied denies the allegations and characterizations in Paragraph 56.

27 57. Applied denies the allegations and characterizations in Paragraph 57.

28 58. Applied admits that a copy of a document purporting to be '006 Patent is attached as

1 Exhibit G. Applied admits that a copy of a document purporting to be '770 Patent is attached as Exhibit
 2 H. Applied admits that a copy of a document purporting to be '017 Publication is attached as Exhibit
 3 I. Applied admits that the image of Fig. 2 in Paragraph 58 appears to be the same as Fig. 2 in the '006
 4 Patent, the '770 Patent, and the '017 Publication. Except as expressly admitted, Applied denies the
 5 remaining allegations and characterizations contained in Paragraph 58.

6 59. Applied admits that a copy of a document purporting to be '006 Patent is attached as
 7 Exhibit G. Applied admits that a copy of a document purporting to be '770 Patent is attached as Exhibit
 8 H. Applied admits that a copy of a document purporting to be '017 Publication is attached as Exhibit
 9 I. Applied admits that the '006 Patent at 6:46-55, the '770 Patent at 7:10-19, and the '017 Publication
 10 at [0042], state, "The second induction coil includes magnetic field concentrator(s) 280, allowing a
 11 placement of the coil in the bottom of the plasma source, as shown in FIG. 2. The use of magnetic
 12 field concentrators 280 increases efficiency of the plasma generation at the bottom of the source and
 13 significantly increases the radial control near the substrate (as compared to the absence of magnetic
 14 field concentrators). In some embodiments, induction coil 254 is disposed at a bottom 1/3 height, such
 15 as a bottom 1/4 height, of plasma source 222." Except as expressly admitted, Applied denies the
 16 remaining allegations and characterizations contained in Paragraph 59.

17 60. Applied denies the allegations and characterizations contained in the first and fourth
 18 sentences of Paragraph 60. Applied lacks knowledge or information sufficient to form a belief
 19 regarding the truth of the allegations and characterizations contained in the second and third sentences
 20 of Paragraph 60, and therefore denies them.

21 61. Applied denies the allegations and characterizations contained in Paragraph 61.

22 62. Applied admits that a copy of a document purporting to be '006 Patent is attached as
 23 Exhibit G. Applied admits that a copy of a document purporting to be '770 Patent is attached as Exhibit
 24 H. Applied admits that a copy of a document purporting to be '017 Publication is attached as Exhibit
 25 I. Applied admits that the image of Fig. 1 in Paragraph 62 appears to be the same as Fig. 1 in the '006
 26 Patent, the '770 Patent, and the '017 Publication. Applied denies the remaining allegations and
 27 characterizations contained in Paragraph 62.

28 63. Applied admits that a copy of a document purporting to be '006 Patent is attached as

1 Exhibit G. Applied admits that a copy of a document purporting to be '770 Patent is attached as Exhibit
 2 H. Applied admits that a copy of a document purporting to be '017 Publication is attached as Exhibit
 3 I. Applied admits that the '006 Patent at 4:43-5:35, the '770 Patent at 5:8-6:2, and the '017 Publication
 4 at [0033], [0035]-[0037], state:

5 The coil 130 is aligned with the active region in such a way that the top turn of the coil
 6 is above the bottom edge 180 of the insert 140 and operates substantially in the active
 7 region of the inner volume, while the bottom turn of the coil is below edge 180 and
 8 operates substantially outside the active region. The center of the coil is substantially
 9 aligned with the edge 180. Within these boundaries one can adjust the coil position for
 10 a desired performance. Alignment of the coil with surface edge 180 provides improved
 11 source efficiency, namely controlled generation of desired chemical species for plasma
 processes and delivering them to the wafer with reduced or eliminated losses. For
 example, plasma sustaining conditions (balance between local generation and loss of
 ions) might not be the best for generating species for a plasma process. Regarding
 delivery of the species to the substrate, efficiency can depend on the volume and wall
 recombination of these particular species. Hence, control of the alignment of the coil
 with surface edge 180 provides control of the source efficiency for a plasma process.

12 ...

13 In some embodiments, surface 180 is aligned with a portion of induction coil 130 (e.g.,
 14 coil loop 182) along axis 184 by utilizing a suitably sized insert 140 (and top plate 124,
 15 which may be a preformed part of the insert 140) to form plasma source 120.
 16 Alternatively, surface 180 can be movable along a vertical direction V_i relative to
 17 plasma source 120 while a remainder portion of insert 140 is static (e.g., fixed) as part
 18 of plasma source 120, in order to provide alignment of surface 180 with a portion of coil
 19 130. For example, an actuator 170 is coupled to insert 140 to adjust a position of surface
 20 180 such that a portion of insert 140 having a first length (L_1) is adjusted to a second
 21 length (L_2). Actuator 170 can be any suitable actuator, for example a motor, electric
 22 motor, stepper motor, or pneumatic actuator. In some embodiments, a difference (Δ) in
 23 length from L_1 to L_2 is about 0.1 cm to about 4 cm, such as about 1 cm to about 2 cm.
 Additionally or alternatively, the insert 140 can be coupled to an actuator (such as
 actuator 170), and actuator 170 is configured to move the entirety of insert 140 vertically
 (e.g., along a vertical direction V_i relative to plasma source 120), in order to align
 surface 180 with a portion of coil 130. Spacers (not shown) can be used to fill gap(s)
 between insert 140 and another portion of plasma source 120 (such as between top plate
 124 and dielectric sidewall 122) that were formed by moving the insert vertically. The
 spacers may be formed from, for example, a ceramic material, such as a quartz. In
 general, positioning coil 130 center above surface 180 will increase the efficiency of
 ionization and dissociation, but reduces the transport efficiency of these species to the
 substrate, as many of the species may recombine on the walls of the narrow active
 region. Positioning the coil 130 below surface 180 can improve plasma delivery
 efficiency, but may decrease plasma generation efficiency.

24 Applied denies the remaining allegations and characterizations contained in Paragraph 63.

25 64. Applied admits that a copy of a document purporting to be '017 Publication is attached
 26 as Exhibit I. Applied admits that the '017 Publication, claim 1, recites:

27 1. A plasma source, comprising:
 28 a sidewall defining a plasma source interior volume;

1 a gas injection insert disposed within the plasma source interior volume, the gas
2 injection insert defining a gas injection channel proximate the sidewall;
3 a first induction coil disposed at a first position proximate the sidewall and disposed
4 around the sidewall;
5 a first radio frequency power generator coupled with the first induction coil;
6 a second induction coil disposed at a second position proximate the sidewall and
7 disposed around the sidewall, wherein the second position is below the first position and is at a
8 bottom 1/3 height of the plasma source; and
9 a second radio frequency power generator coupled with the second induction coil.

10 Applied admits that the '017 Publication, claim 4, recites, "The plasma source of claim 1, further
11 comprising a magnetic field concentrator disposed around the second induction coil." Applied admits
12 that the '017 Publication, claim 6, recites, "The plasma source of claim 1, wherein a plane of a bottom
13 surface of the gas injection insert is positioned about 1 cm to about 2 cm from a vertical midpoint of
14 the first induction coil." Applied denies the remaining allegations and characterizations contained in
15 Paragraph 64.

16 65. Applied admits that a copy of a document purporting to be a Patent Assignment
17 Agreement assigning the '254 Application to Applied Materials, Inc. is attached as Exhibit J. Applied
18 admits that the '254 Application Agreement lists conveying parties including Vladimir Nagorny and
19 Rene George. Applied admits that a copy of a document purporting to be a Patent Assignment
20 Agreement assigning the '232 Application to Applied Materials, Inc. is attached as Exhibit K. Applied
21 admits that the '232 Application Agreement lists conveying parties including Vladimir Nagorny and
22 Rene George. Applied admits that a copy of a document purporting to be a Patent Assignment
23 Agreement assigning the '780 Application to Applied Materials, Inc. is attached as Exhibit L. Applied
24 admits that the '780 Application Agreement lists conveying parties including Vladimir Nagorny and
25 Rene George. Applied admits that Dr. Vladimir Nagorny and Mr. Rene George each signed assignment
26 agreements with Applied but specifically denies that they were "contrary" assignment agreements.
27 Applied denies the remaining allegations and characterizations contained in Paragraph 65.

28 66. Applied denies the allegations and characterizations contained in the first and fourth
sentences of Paragraph 66. Applied lacks knowledge or information sufficient to form a belief
regarding the truth of the allegations and characterizations contained in the second and third sentences
of Paragraph 66, and therefore denies them.

67. Applied denies the allegations and characterizations contained in Paragraph 67.

68. Applied denies the allegations and characterizations contained in Paragraph 68.

FIRST CAUSE OF ACTION

Misappropriation of Trade Secrets Under 18 U.S.C. § 1836, et seq.
(Against All Defendants)

69. Applied incorporates by reference its responses to Paragraphs 1 through 68 of the First Amended Complaint.

70. To the extent Paragraph 70 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 70, including that the information described in Paragraphs 17–21 of the First Amended Complaint constitute trade secrets.

71. To the extent Paragraph 71 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies that the alleged trade secrets are in fact trade secrets. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 71, and therefore denies them.

72. To the extent Paragraph 72 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies that the alleged trade secrets are in fact trade secrets, or that they derive independent economic value from not being generally known to, and not being readily ascertainable by proper means by, another person who can obtain economic value from their disclosure or use. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 72, and therefore denies them.

73. To the extent Paragraph 73 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies that the alleged trade secrets are in fact trade secrets, or that Mattson has undertaken efforts that are reasonable under the circumstances to maintain the secrecy of the trade secrets at issue. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained Paragraph 73, and therefore denies them.

74. To the extent Paragraph 74 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in the first and fourth sentences of Paragraph 74. Applied denies that the alleged trade secrets are in fact trade

secrets or that Applied misappropriated the purported trade secrets. Applied lacks knowledge or information sufficient to form a belief regarding the truth of the remaining allegations and characterizations contained in Paragraph 74, and therefore denies them.

75. To the extent Paragraph 75 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 75.

76. To the extent Paragraph 76 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 76.

77. To the extent Paragraph 77 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 77.

78. To the extent Paragraph 78 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 78. Applied denies that it has violated the Defend Trade Secrets Act (“DTSA”), 18 U.S.C. § 1836, et seq.

79. To the extent Paragraph 79 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 79.

80. To the extent Paragraph 80 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 80.

81. To the extent Paragraph 81 alleges legal conclusions, no response is required. To the extent a response is required, Applied denies the allegations and characterizations contained in Paragraph 81.

SECOND CAUSE OF ACTION

Breach of Contract
(Against Individual Defendants)

82. Applied incorporates by reference its responses to Paragraphs 1 through 81 of the First

1 Amended Complaint.

2 83. To the extent Paragraph 83 alleges legal conclusions, no response is required. To the
3 extent a response is required, Applied lacks knowledge or information sufficient to form a belief
4 regarding the truth of the allegations and characterizations contained in Paragraph 83, and therefore
5 denies them.

6 84. To the extent Paragraph 84 alleges legal conclusions, no response is required. To the
7 extent a response is required, Applied lacks knowledge or information sufficient to form a belief
8 regarding the truth of the allegations and characterizations contained in Paragraph 84, and therefore
9 denies them.

10 85. To the extent Paragraph 85 alleges legal conclusions, no response is required. To the
11 extent a response is required, Applied lacks knowledge or information sufficient to form a belief
12 regarding the truth of the allegations and characterizations contained in Paragraph 85, and therefore
13 denies them.

14 86. To the extent Paragraph 86 alleges legal conclusions, no response is required. To the
15 extent a response is required, Applied lacks knowledge or information sufficient to form a belief
16 regarding the truth of the allegations and characterizations contained in Paragraph 86, and therefore
17 denies them.

18 87. To the extent Paragraph 87 alleges legal conclusions, no response is required. To the
19 extent a response is required, Applied lacks knowledge or information sufficient to form a belief
20 regarding the truth of the allegations and characterizations contained in Paragraph 87, and therefore
21 denies them.

22 88. To the extent Paragraph 88 alleges legal conclusions, no response is required. To the
23 extent a response is required, Applied denies the allegations and characterizations contained in
24 Paragraph 88.

25 89. To the extent Paragraph 89 alleges legal conclusions, no response is required. To the
26 extent a response is required, Applied denies the allegations and characterizations contained in
27 Paragraph 89.

28 90. To the extent Paragraph 90 alleges legal conclusions, no response is required. To the

1 extent a response is required, Applied denies the allegations and characterizations contained in
2 Paragraph 90.

3 **THIRD CAUSE OF ACTION**

4 Inducing Breach of Written Contracts
(Against Defendant Applied Materials, Inc.)

5 91. Applied incorporates by reference its responses to Paragraphs 1 through 90 of the First
6 Amended Complaint.

7 92. The Third Cause of Action was dismissed by the Court's order granting in part and
8 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
9 allegations set forth in Paragraph 92 are irrelevant and no answer is required. To the extent that any
10 such allegations are not deemed irrelevant, Applied denies such allegations.

11 93. The Third Cause of Action was dismissed by the Court's order granting in part and
12 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
13 allegations set forth in Paragraph 93 are irrelevant and no answer is required. To the extent that any
14 such allegations are not deemed irrelevant, Applied denies such allegations.

15 94. The Third Cause of Action was dismissed by the Court's order granting in part and
16 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
17 allegations set forth in Paragraph 94 are irrelevant and no answer is required. To the extent that any
18 such allegations are not deemed irrelevant, Applied denies such allegations.

19 95. The Third Cause of Action was dismissed by the Court's order granting in part and
20 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
21 allegations set forth in Paragraph 95 are irrelevant and no answer is required. To the extent that any
22 such allegations are not deemed irrelevant, Applied denies such allegations.

23 96. The Third Cause of Action was dismissed by the Court's order granting in part and
24 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
25 allegations set forth in Paragraph 96 are irrelevant and no answer is required. To the extent that any
26 such allegations are not deemed irrelevant, Applied denies such allegations.

27 97. The Third Cause of Action was dismissed by the Court's order granting in part and
28 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the

1 allegations set forth in Paragraph 97 are irrelevant and no answer is required. To the extent that any
 2 such allegations are not deemed irrelevant, Applied denies such allegations.

3 98. The Third Cause of Action was dismissed by the Court's order granting in part and
 4 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
 5 allegations set forth in Paragraph 98 are irrelevant and no answer is required. To the extent that any
 6 such allegations are not deemed irrelevant, Applied denies such allegations.

7 **FOURTH CAUSE OF ACTION**

8 Intentional Interference with Prospective Economic Relations 9 (Against Defendant Applied Materials, Inc.)

10 99. Applied incorporates by reference its responses to Paragraphs 1 through 98 of the First
 11 Amended Complaint.

12 100. The Fourth Cause of Action was dismissed by the Court's order granting in part and
 13 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
 14 allegations set forth in Paragraph 100 are irrelevant and no answer is required. To the extent that any
 15 such allegations are not deemed irrelevant, Applied denies such allegations.

16 101. The Fourth Cause of Action was dismissed by the Court's order granting in part and
 17 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
 18 allegations set forth in Paragraph 101 are irrelevant and no answer is required. To the extent that any
 19 such allegations are not deemed irrelevant, Applied denies such allegations.

20 102. The Fourth Cause of Action was dismissed by the Court's order granting in part and
 21 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
 22 allegations set forth in Paragraph 102 are irrelevant and no answer is required. To the extent that any
 23 such allegations are not deemed irrelevant, Applied denies such allegations.

24 103. The Fourth Cause of Action was dismissed by the Court's order granting in part and
 25 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
 26 allegations set forth in Paragraph 103 are irrelevant and no answer is required. To the extent that any
 27 such allegations are not deemed irrelevant, Applied denies such allegations.

28 104. The Fourth Cause of Action was dismissed by the Court's order granting in part and
 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the

1 allegations set forth in Paragraph 104 are irrelevant and no answer is required. To the extent that any
2 such allegations are not deemed irrelevant, Applied denies such allegations.

3 **FIFTH CAUSE OF ACTION**

4 Negligent Interference with Prospective Economic Relations
5 (Against Defendant Applied Materials, Inc.)

6 105. Applied incorporates by reference its responses to Paragraphs 1 through 104 of the First
7 Amended Complaint.

8 106. The Fifth Cause of Action was dismissed by the Court's order granting in part and
9 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
10 allegations set forth in Paragraph 106 are irrelevant and no answer is required. To the extent that any
11 such allegations are not deemed irrelevant, Applied denies such allegations.

12 107. The Fifth Cause of Action was dismissed by the Court's order granting in part and
13 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
14 allegations set forth in Paragraph 107 are irrelevant and no answer is required. To the extent that any
15 such allegations are not deemed irrelevant, Applied denies such allegations.

16 108. The Fifth Cause of Action was dismissed by the Court's order granting in part and
17 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
18 allegations set forth in Paragraph 108 are irrelevant and no answer is required. To the extent that any
19 such allegations are not deemed irrelevant, Applied denies such allegations.

20 109. The Fifth Cause of Action was dismissed by the Court's order granting in part and
21 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
22 allegations set forth in Paragraph 109 are irrelevant and no answer is required. To the extent that any
23 such allegations are not deemed irrelevant, Applied denies such allegations.

24 **SIXTH CAUSE OF ACTION**

25 Unfair Competition Under California Business and Professions Code § 17200, et seq.
26 (Against All Defendants)

27 110. Applied incorporates by reference its responses to Paragraphs 1 through 109 of the First
28 Amended Complaint.

111. The Sixth Cause of Action was dismissed by the Court's order granting in part and
denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the

1 allegations set forth in Paragraph 111 are irrelevant and no answer is required. To the extent that any
2 such allegations are not deemed irrelevant, Applied denies such allegations.

3 112. The Sixth Cause of Action was dismissed by the Court's order granting in part and
4 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
5 allegations set forth in Paragraph 112 are irrelevant and no answer is required. To the extent that any
6 such allegations are not deemed irrelevant, Applied denies such allegations.

7 113. The Sixth Cause of Action was dismissed by the Court's order granting in part and
8 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
9 allegations set forth in Paragraph 113 are irrelevant and no answer is required. To the extent that any
10 such allegations are not deemed irrelevant, Applied denies such allegations.

11 114. The Sixth Cause of Action was dismissed by the Court's order granting in part and
12 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
13 allegations set forth in Paragraph 114 are irrelevant and no answer is required. To the extent that any
14 such allegations are not deemed irrelevant, Applied denies such allegations.

15 **SEVENTH CAUSE OF ACTION**

16 Conversion
17 (All Defendants)

18 115. Applied incorporates by reference its responses to Paragraphs 1 through 114 of the First
19 Amended Complaint.

20 116. The Seventh Cause of Action was dismissed by the Court's order granting in part and
21 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
22 allegations set forth in Paragraph 116 are irrelevant and no answer is required. To the extent that any
23 such allegations are not deemed irrelevant, Applied denies such allegations.

24 117. The Seventh Cause of Action was dismissed by the Court's order granting in part and
25 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
26 allegations set forth in Paragraph 117 are irrelevant and no answer is required. To the extent that any
27 such allegations are not deemed irrelevant, Applied denies such allegations.

28 118. The Seventh Cause of Action was dismissed by the Court's order granting in part and
denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the

1 allegations set forth in Paragraph 118 are irrelevant and no answer is required. To the extent that any
2 such allegations are not deemed irrelevant, Applied denies such allegations.

3 119. The Seventh Cause of Action was dismissed by the Court's order granting in part and
4 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
5 allegations set forth in Paragraph 119 are irrelevant and no answer is required. To the extent that any
6 such allegations are not deemed irrelevant, Applied denies such allegations.

7 120. The Seventh Cause of Action was dismissed by the Court's order granting in part and
8 denying in part Applied's motion to dismiss Mattson's First Amended Complaint, and, therefore, the
9 allegations set forth in Paragraph 120 are irrelevant and no answer is required. To the extent that any
10 such allegations are not deemed irrelevant, Applied denies such allegations.

11 **PRAYER FOR RELIEF**

12 121. The Prayer for Relief sets forth the statement of relief requested by Mattson to which
13 no response is required. Applied denies that Mattson is entitled to any relief against Applied and
14 requests that the Court dismiss all claims with prejudice and order such further relief for Applied as the
15 Court deems just and proper, including but not limited to costs and attorneys' and expert fees pursuant
16 to 18 U.S.C. § 1836(b)(3)(D).

17 **JURY DEMAND**

18 122. The Jury Demand sets forth the statement of relief requested by Mattson to which no
19 response is required. As noted below, Applied also demands a jury.

20 **AFFIRMATIVE DEFENSES**

21 123. In asserting the following defenses, Applied does not admit that the burden of proving
22 the allegations or denials contained in the defenses is upon Applied; to the contrary, the burden of
23 proving the facts relevant to many of the defenses and the burden of proving the inverse of the
24 allegations contained in many of the defenses is upon Mattson. Moreover, in asserting any defense,
25 Applied does not admit any liability, but, to the contrary, specifically denies any and all allegations of
26 liability in Mattson's lawsuit. Without admitting liability as to any of Mattson's causes of action,
27 Applied asserts the following defenses:
28

First Affirmative Defense

124. Mattson's DTSA claim is barred in whole or in part by the applicable statute of limitations. Actions under the DTSA, "may not be commenced later than 3 years after the date on which the misappropriation with respect to the action would relate is discovered or by the exercise of reasonable diligence should have been discovered." Thus, any such actions based on conduct prior to November 22, 2020, are time-barred. On information and belief, Mattson knew or should have known that certain of the alleged acts of misappropriation occurred prior to November 22, 2020.

Second Affirmative Defense

125. Mattson's DTSA claim is barred by the doctrine of laches. Mattson unreasonably delayed in filing this lawsuit, despite having knowledge of the allegations contained within the First Amended Complaint, prejudicing Applied.

Third Affirmative Defense

126. To the extent Mattson has suffered any damages, it has failed to take reasonable steps to mitigate such damages.

Fourth Affirmative Defense

127. Mattson's DTSA claim is barred, in whole or in part, by the equitable doctrine of unclean hands because Mattson acted unfairly with respect to its alleged claims, injuring Applied.

Fifth Affirmative Defense

128. Mattson's DTSA claim is barred, in whole or in part, by the equitable doctrines of waiver, estoppel, and consent.

Sixth Affirmative Defense

129. Mattson cannot prevail against Applied and cannot recover damages, unjust enrichment, or reasonable royalties, if any, on its DTSA claim because the alleged trade secret information was readily ascertainable by proper means. All of Mattson's alleged trade secrets are publicly known or readily ascertainable from public sources and lack independent economic value.

Seventh Affirmative Defense

130. Mattson cannot prevail against Defendant and cannot recover damages, unjust enrichment, or reasonable royalties, if any, on its DTSA claim because it has not exercised reasonable

1 or sufficient efforts to keep each of the alleged trade secrets a secret.

2 **Eighth Affirmative Defense**

3 131. Mattson's claims are each barred because the information in question is not a trade
4 secret because the information is and was publicly known prior to the alleged disclosure. Mattson
5 disclosed the use of a coil with a movable insert by at least August 2020 in U.S. Provisional Application
6 Serial Number 63/071,418 ("418 Application"). It disclosed the positioning of a coil to surround the
7 bottom insert by at least International Publication Number WO 2013/028313 ("313 PCT"), published
8 February 2013. It disclosed the use of a second coil with magnetic field concentrators by at least June
9 2012, in U.S. Patent Application Publication Number US 2012/0152901 ("901 Application").
10 Therefore, each of these secrets was made public prior to Applied's initial disclosure in January 2021.

11 **Ninth Affirmative Defense**

12 132. Mattson cannot prevail against Applied and cannot recover damages, unjust enrichment,
13 or reasonable royalties, if any, on its DTSA claim because the alleged trade secrets lack independent
14 economic value.

15 **Tenth Affirmative Defense**

16 133. Mattson cannot prevail against Applied and cannot recover damages, unjust enrichment,
17 or reasonable royalties, if any, on its DTSA claim because Applied independently conceived of, and/or
18 developed, the information that Mattson alleges Applied misappropriated.

19 **Eleventh Affirmative Defense**

20 134. Mattson's claims are barred because it has suffered no damages. Mattson disclosed the
21 alleged trade secrets, if not earlier, in its '418 Application (August 2020), '313 PCT (February 2013),
22 and '901 Application (June 2012). As such, Mattson has not been damaged from Applied's disclosure
23 of the information.

24 **Twelfth Affirmative Defense**

25 135. Mattson's alleged damages are too remote or speculative to ascertain or apportion.

26 **Thirteenth Affirmative Defense**

27 136. Mattson's alleged damages, if any, were the result of one or more superseding or
28 intervening causes or were caused by the acts and/or failures to act of persons or entities other than

1 Applied, or caused or contributed to by Mattson's own actions, inactions, negligence, fault, or lack of
2 diligence, not by actions or inactions of Applied, thus barring Mattson from any recovery against
3 Applied.

4 **Fourteenth Affirmative Defense**

5 137. To the extent Mattson has suffered any damages, any injunctive or monetary relief is
6 limited to the period (if any) in which Applied retained an advantage as the result of the alleged
7 misappropriation, and in which the alleged trade secrets maintained their trade secret status.

8 **Fifteenth Affirmative Defense**

9 138. Applied acted at all times on the basis of a good-faith and reasonable belief that its
10 actions were in compliance and conformity with applicable provisions of law, administrative
11 regulations, orders, rulings, guidance and/or interpretations, and did not willfully violate any such
12 provisions. Accordingly, remedies such as enhanced or exemplary damages requiring willful violations
13 or bad faith acts are unavailable.

14 **Sixteenth Affirmative Defense**

15 139. Matson cannot prevail against Applied and cannot recover damages, unjust enrichment,
16 or reasonable royalties, if any, because Mattson's DTSA claim is frivolous, unreasonable, groundless,
17 and in bad faith.

18 **Seventeenth Affirmative Defense**

19 140. Mattson is not entitled to injunctive relief because, at a minimum, it has no irreparable
20 injury, it has an adequate remedy at law for Applied's alleged misappropriation, the balance of
21 hardships do not weigh in its favor, and the public interest would be disserved by an injunction.

22 **Eighteenth Affirmative Defense**

23 141. Defendants reserve the right to assert additional defenses as they become known through
24 further investigation and discovery.

25 **DEMAND FOR JURY TRIAL**

26 142. Applied demands a jury trial.
27
28

1 DATED: September 5, 2024

Respectfully submitted,

2 GIBSON, DUNN & CRUTCHER LLP

3 By: /s/ L. Kieran Kieckhefer

4
5 **GIBSON, DUNN & CRUTCHER**

6 L. Kieran Kieckhefer

7 Y. Ernest Hsin

8 Stuart M. Rosenberg

9 Joseph A. Gorman

10 Lauren Dansey

11 Christina E. Myrold

12 **JAMES POOLEY PLC**

13 James Pooley

14 *Attorneys for Defendant APPLIED*
15 *MATERIALS, INC.*

CERTIFICATE OF SERVICE

I, Patricia Belloso, certify that on September 5, 2024, the foregoing **DEFENDANT APPLIED MATERIALS, INC.'S ANSWER TO PLAINTIFF'S FIRST AMENDED COMPLAINT** was filed with the Clerk of the Court via CM/ECF. Notice of this filing will be sent electronically to all registered parties by operation of the Court's electronic filing systems.

DATED: September 5, 2024

By: /s/ Patricia Belloso
Patricia Belloso